

Debtor

Chapter 7

Plaintiff

Adversary _____-cag

V.

Defendants

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING ON
PRELIMINARY INJUNCTIVE RELIEF**

Upon the Motion for the Emergency Relief of a Temporary Restraining Order, and Thereafter Preliminary and Permanent Injunctive Relief, accompanying the Verified Complaint to Avoid Fraudulent Transfers and Preferences, to Recover Property of the Estate and Damages Thereto, and for Declaratory Relief and upon the unsworn declaration of Declarant reciting facts within his personal knowledge that would justify the entry of a temporary restraining order, and upon review of the pleadings and hearing argument of counsel the court finds for the purpose of this temporary injunction that (i) the Plaintiff has established a likelihood of prevailing on the merits of one or more of its claims; and (ii) there is a substantial threat irreparable harm will result to the Plaintiff if the TRO is not granted; and (iii) the harm to the named Defendants if the TRO is issued is greatly outweighed by the harm to the Plaintiff, and (iv) granting of the TRO will not violate any public policy or disserve the public interest; and the Court further finds that it has jurisdiction to enter the injunctive relief sought and accordingly, pursuant to Rules 9065 and 105, Bankruptcy Rules of Procedure, grants the motion for a temporary restraining order, and it is therefore

ORDERED that the Defendants, and each of them, along with each of their respective agents, owners, members, officers, directors, professionals, accountants, lawyers, and all representatives acting at the direction, express or implied of any Defendant, be and hereby is restrained, prohibited enjoined from:

- a. Spoilation of evidence by destroying, removing, erasing, hiding, or secreting of any business or other records, whether digital or hard copies, of Plaintiffs or any Defendant; and
- b. Taking, converting, using, selling, moving, or removing or hiding any property of the estate of the Plaintiff; and
- c. Removing or hiding any form of written or digital records of any Defendants' dealing in any commercial, financial, or operation of the business of any of the Defendants.

and it is further

ORDERED that the Defendants and each of them, along with each of their respective agents, owners, members, officers, directors, professionals, accountants, lawyers, and all representatives acting at the direction, express or implied of any Defendants, be and hereby are mandatorily enjoined to do or take the following actions:

a. to deliver to Plaintiff all Plaintiff's business records existing and, in the possession, or control of any Defendant or each of their respective agents, owners, members, officers, directors, professionals, accountants, lawyers, and all representatives acting at the direction, express or implied of any Defendant, within 10 days of the date of the order and judgment; and

b. to deliver to Plaintiff of all "property of the estate" as defined in 11 U.S.C. 541 and in the possession or control of any Defendant or each of their respective agents, owners, members, officers, directors, professionals, accountants, lawyers, and all representatives acting at the direction, express or implied of any Defendant, within 10 days of the date of the injunction order and judgment; and it is further

ORDERED that neither any Defendant nor each of their respective agents, owners, members, officers, directors, professionals, accountants, lawyers, and all representatives acting at the direction, express or implied of any Defendant, shall retaliate against any person furnishing information to the Plaintiff, including but not limited to current or past employee, in any manner for disclosing information regarding the subject of the Complaint and this Order, including but not limited to firing, attempting to or actually physically or otherwise intimidate or threaten or interfere with any efforts of an person to cooperate with the Plaintiff regarding its business assets and business records; and it is further

ORDERED that a hearing on the Plaintiff's request for a Preliminary Injunction shall be heard on April __, 2024 at __ o'clock __M in the United States Bankruptcy Court for the Western District of Texas (San Antonio Division) third floor courtroom, located at 615 E. Houston Street, San Antonio, Texas; and it is further

ORDERED that this TRO may be amended from time to time prior to the hearing on the request for a preliminary injunction, upon notice as this Court may direct, which amendments may include further requests for relief in the event that there is any failure or refusal by a Defendant to comply with the terms of this Order as well as requests for Sanctions or other non-monetary relief set out in the Complaint.

Order prepared by:

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